

Rules and Regulations

Federal Register

Vol. 88, No. 92

Friday, May 12, 2023

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-0070; Airspace Docket No. 23-ASO-01]

RIN 2120-AA66

Amendment of Class D and Class E Airspace; Beaufort, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface at Beaufort Marine Corps Air Station (MCAF)/Merritt Field, Beaufort, SC, by updating the airport's geographic coordinates. This action also updates the name of Beaufort Executive Airport (formerly Beaufort County Airport) and removes unnecessary verbiage from the Class E airspace extending upward from 700 feet above the surface. In addition, this action makes the editorial changes replacing the term Notice to Airmen with Notice to Air Missions and replacing the term Airport/Facility Directory with Chart Supplement. This action does not change the airspace boundaries or operating requirements.

DATES: Effective 0901 UTC, August 10, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments online at www.faa.gov/air_traffic/publications/. For further information, contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it updates airspace descriptions. This update is an administrative change and does not change the airspace boundaries or operating requirements.

Incorporation by Reference

Class D and Class E airspace are published in paragraphs 5000, 6002, and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 amends the Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface at Beaufort Marine Corps Air Station (MCAF)/Merritt Field, Beaufort, SC, by updating the airport's geographic coordinates. This action also updates the name of Beaufort Executive Airport (formerly Beaufort County Airport). It removes unnecessary verbiage, referring

to Hilton Head Island, from the Class E airspace extending upward from 700 feet above the surface, as it is unnecessary. In addition, this action makes the editorial changes replacing the term Notice to Airmen with Notice to Air Missions and replacing the term Airport/Facility Directory with Chart Supplement. This action is an administrative change and does not affect the airspace boundaries or operating requirements; therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO SC D Beaufort, SC [Amended]

Beaufort MCAS/Merritt Field, SC
(Lat. 32°28'50" N, long. 80°43'09" W)
Beaufort Executive Airport
(Lat. 32°24'44" N, long. 80°38'04" W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 5.6-mile radius of Beaufort MCAS/Merritt Field, excluding that airspace within a 1-mile radius of the Beaufort Executive Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Airspace.

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ASO SC E2 Beaufort, SC [Amended]

Beaufort MCAS/Merritt Field, SC
(Lat. 32°28'50" N, long. 80°43'09" W)
Beaufort Executive Airport
(Lat. 32°24'44" N, long. 80°38'04" W)

That airspace extending upward from the surface within a 5.6-mile radius of Beaufort MCAS/Merritt Field, excluding that airspace within a 1-mile radius of the Beaufort Executive Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

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ASO SC E5 Beaufort, SC [Amended]

Beaufort MCAS/Merritt Field, SC
(Lat. 32°28'50" N, long. 80°43'09" W)
Beaufort Executive Airport
(Lat. 32°24'44" N, long. 80°38'04" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Beaufort MCAS/Merritt Field and a 6.5-mile radius of Beaufort Executive Airport.

Issued in College Park, Georgia, on May 2, 2023.

Lisa E. Burrows,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2023–10187 Filed 5–11–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[FAA–2018–0432]

Notice of Final Policy and Procedures on the Temporary Closure of Airports for Nonaeronautical Purposes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Policy statement.

SUMMARY: This notice announces the Final Policy and procedures for an airport sponsor requesting approval of the temporary closure of a federally obligated airport for a nonaeronautical purpose. Under federal law, the Secretary of Transportation may approve a project grant application for an airport development project only if the Secretary receives written assurances that a proposal to close the airport temporarily for a nonaeronautical purpose must first be approved by the Secretary. Airport operators that have accepted Federal financial assistance are obligated to maintain the airport for public aviation use. Under certain conditions, an airport sponsor may temporarily close the airport or part of the airport for a nonaeronautical event, if the FAA approves the airport sponsor's request in advance of a nonaeronautical event. The Secretary's review and approval, delegated to the Federal Aviation Administration, constitutes a Federal Action that requires an assessment under the National Environmental Policy Act. The FAA adopts this policy statement to provide additional guidance for airport operators to comply with the requirements of the statute and obtain an FAA decision in a timely manner for the conduct of their nonaeronautical event at the airport.

DATES: Effective June 12, 2023.

FOR FURTHER INFORMATION CONTACT: Lorraine Herson-Jones, (202) 267–3085; Lorraine.herson-jones@faa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Airport Sponsor Obligations

Airport sponsors that have accepted grants under the Airport Improvement Program (AIP) or other Office of Airport grants have agreed to comply with certain Federal laws and policies included in each grant agreement as sponsor assurances. The Airport and Airway Improvement Act of 1982 (AAIA) (Pub. L. 97–248), as amended and recodified at 49 U.S.C. 47107(a)(1), and the contractual airport sponsor assurances require that the sponsor make the airport available for aviation use. Title 49 U.S.C. 47107(a)(8) requires grant agreements to include an assurance that “a proposal to close the airport temporarily for a nonaeronautical purpose must first be approved by the Secretary [of Transportation].” This requirement is implemented by Grant Assurance 19, *Operation and Maintenance*, which incorporates the requirement that a temporary airport closure for a nonaeronautical purpose be first approved by the Secretary. The Secretary's approval authority has been delegated to the FAA as part of the administration of the AIP. It is the longstanding policy of the FAA that airport property be available for aeronautical use unless a particular nonaeronautical use is approved by the FAA.

Each year many sponsors of federally obligated airports request temporary closures of a ramp, taxiway, runway or an entire airport for a nonaeronautical event, typically for a period of one to three days. The FAA must approve any such request in advance before the event can take place. While the FAA offices generally applied similar criteria to the evaluation of requests for temporary closure, the agency has not provided uniform guidance for sponsors on the process to request a temporary closure. The FAA believes that a more detailed description of what is needed to support a request for temporary closure of airport facilities, and a clear listing of the obligations of an airport sponsor before, during and after a closure, will benefit both the airport sponsors and the FAA offices handling these requests. Conducting an event on airport property is a complex undertaking. Whether the purpose is an aeronautical event (e.g., air show) or nonaeronautical event, and whether the event requires a full closure of the airport or simply a closure of a ramp or taxiway, the event will require detailed planning and preparation that should not be taken lightly. The airport sponsor's primary responsibility is to